

IN THE MATTER OF  
TARAH M. HINTON, COTA

Respondent,

License No.: A02084

\* BEFORE THE  
\* MARYLAND BOARD OF  
\* OCCUPATIONAL THERAPY PRACTICE  
\* Case No.: 2017-026

\* \* \* \* \*

**ORDER**

The Maryland Board of Occupational Therapy Practice (the "Board") notified **Tarah M. Hinton**, Certified Occupational Therapy Assistant ("COTA"), **License No. A02084**, (the "Respondent"), by correspondence dated February 1, 2018, of its intent to revoke her license under the Maryland Occupational Therapy Practice Act, Md. Code Ann., Health Occ. I §§ 10-101 *et seq.* (the "Act") (2014 Repl. Vol. & 2017 Supp.)

The Board attached an unexecuted Order of Revocation, and a Letter of Procedure to the Notice. The Board advised the Respondent that if she did not request a hearing within thirty (30) days the Board would sign the Order and revoke her license. The letter also advised the Respondent that a Case Resolution Conference ("CRC") would be scheduled for April 20, 2018, to give her an opportunity to discuss a resolution of this matter. On April 20, 2018, the Respondent failed to appear at the CRC.

**STAUTORY AND REGULATORY VIOLATIONS**

The Board charged the Respondent with various regulatory and statutory violations. The pertinent provisions of the Act and Regulations are as follows:

**H.O. § 10-315. Denials, reprimands, suspensions, and revocations – Grounds.**

Subject to the hearing provision of § 10-316 of this subtitle, the Board may deny a license or temporary license to any applicant, reprimand any licensee, or holder of a

temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke the license or temporary license if the applicant, licensee, or holder:

- (3) Commits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy or limited occupational therapy;
- (4) Knowingly violates any provision of this title;
- (5) Violates any rule or regulation of the Board, including any code of ethics adopted by the Board;
- (10) Willfully makes or files a false report or record in the practice of occupational therapy or limited occupational therapy;
- (12) Submits a false statement to collect a fee; [and]

**Code Md. Regs. ("COMAR") tit. 10.46.02.**

**.01 General Conduct.**

A. The licensee shall:

- (11) Function with discretion and integrity in relations with other health professionals;
- (15) Comply with all applicable laws dealing with occupational therapy;

**FINDINGS OF FACT**

**I. Fraudulent Billing Allegations**

The Board makes the following Findings of Fact:

- 1. At all times relevant to the charges the Respondent was licensed as a Certified Occupational Therapy Assistant ("COTA") in the State of Maryland.
- 2. The Respondent was licensed in Maryland on November 5, 2013, and her license expired on June 30, 2017.

3. The Respondent was hired by a Private Contractor ("Facility A")<sup>1</sup> to provide OTA services to patients at a Rehabilitation Center in Maryland, hereinafter the "Rehab Center."

4. On or about April 3, 2017, the Board received a Complaint from the Area Director of Operations for Facility A, hereinafter, Witness A. Witness A alleged that the Respondent fraudulently billed for therapy services for multiple patients at the Rehab Center, on February 19, 2017, even though she was not present at the times indicated and did not provide services to the patients identified.

5. After receiving the Complaint, the Board initiated an investigation.

6. In furtherance of its investigation the Board interviewed witnesses and issued subpoenas and requested patient records; personnel records; and records regarding internal disciplinary proceedings involving the Respondent.

7. According to Respondent's personnel file, the PT Program Director for Facility A, hereinafter Witness B, reported that on February 19, 2017, the Respondent billed for therapy services for patients at the Rehab Center from 6:45 a.m. to 1:30 p.m., but was not present at the facility during that period.

8. Witness B received a Complaint from a patient ("Patient A") who was scheduled to receive therapy services on February 19, 2017, who reported that he never received services.

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<sup>1</sup> To ensure confidentiality, the names of individuals, hospitals and health care facilities are not disclosed in these charges. The Respondent may obtain the identity of the referenced individuals and entities by contacting the assigned administrative prosecutor.

9. Witness B stated that the Respondent incorrectly charted on the Daily Information Form ("DIF") that she had provided therapy services to Patient A and other patients.

10. The Respondent indicated on the DIF form, dated "2/19/17," that she provided therapy services to seven other patients, identified as Patients B-H, between the hours of 6:45 a.m. and 1:30 p.m.

11. The Respondent also electronically signed the patient charts for Patients A-H, allegedly documenting that therapy services were provided to Patients A-H.

12. Facility A conducted an internal investigation, which included an interview with the Respondent. Initially the Respondent claimed that she was at work on February 19, between the hours of 6:45 a.m. and 1:30 p.m., and that she provided therapy services to clients during that period.

13. Facility A's investigation revealed that surveillance equipment at the Rehab Center, recorded the Respondent arriving at the Rehab Center at 12:34 p.m. and logging into a desk top computer at 12:39 p.m.

14. After she was confronted with the surveillance recording, the Respondent admitted during an interview that she did not arrive at the Rehab Center until 12:39 p.m., on February 19, 2017, and that she did not provide therapy services to any patients between 6:45 a.m. and 12:39 p.m. She stated, however, that she saw a few patients after she arrived that day.

15. The Respondent stated she did not recall which patients she saw, and that she did not recall what time she left the Rehab Center.

16. Subsequently, the Respondent was terminated from her position with Facility A for fraudulently reporting that she provided services to multiple clients on the morning of February 19, 2017, when she was not even present at the Rehab Center.

**II. Failure to Cooperate with Board Investigation**

17. The Respondent failed to cooperate with the Board's investigation, by failing to respond to written communication, e-mails and phone messages from Board Staff regarding this disciplinary action.

18. On April 7, 2017, Board staff mailed the Respondent a letter requesting a response to the allegations in the Complaint no later than April 27, 2017.

19. To date no response has been received.

20. Board staff left messages on the following dates requesting that the Respondent contact Board staff to discuss the allegations against her:

- a) 4-24-17 - T.C. to Ms. Hinton – voice mail message left;
- b) 5-2-17 – T.C. to Ms. Hinton – voice mail message left;
- c) 5-5-17 – e-mail to Ms. Hinton;
- d) 5-9-17 – T.C. to Ms. Hinton – voice mail message left;
- e) 5-17-17 – T.C. to Ms. Hinton – voice mail message left;
- f) 5-24-17 – T.C. to Ms. Hinton – voice mail message left;
- g) 5-26-17 – e-mail to Ms. Hinton;
- h) 6-6-17 – T.C. to Ms. Hinton – voice mail message left; and
- i) 6-15-17 – T.C. to Ms. Hinton – voice mail message left.

21. Board staff documented that the Respondent did not respond to any of the voice mail messages or e-mail messages that were sent between April 24, 2017, and June 15, 2017.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes that the Respondent violated the following:

H.O. I §10-315 (3), [c]ommits any act of gross negligence, incompetence, or misconduct in the practice of occupational therapy or limited occupational therapy;

(4) [k]nowingly violates any provision of this title;

(5) [v]iolates any rule or regulation of the Board, including any code of ethics adopted by the Board;

(10) [w]illfully makes or files a false report or record in the practice of occupational therapy or limited occupational therapy; [and]

(12), [s]ubmits a false statement to collect a fee;

COMAR 10.46.02.01A, [t]he licensee shall: (11) [f]unction with discretion and integrity in relations with other health professionals; and

(15) [c]omply with all applicable laws dealing with occupational therapy.

### ORDER

Based upon the Findings of Fact and Conclusions of Law, it is by a majority of the Board's members then serving:

**ORDERED** that the license of **Tarah M. Hinton** to practice as a licensed Certified Occupational Therapy Assistant, in the State of Maryland be and is hereby **REVOKED**; and it is further;

**ORDERED** that this Final Order is a public document pursuant to Md. Code Ann.,  
Gen. Prov. §§ 4-101 et seq. (2014).

May 24, 2018  
Date

Wanda R. Banks, MA, OTR/L /jl  
Wanda R. Banks, MA, OTR/L, Chair  
Maryland Board of Occupational Therapy  
Practice